

File Number  
CP02-066

Application Type  
Conditional Use Permit

Council District  
4

Planning Area  
North San Jose

Assessor's Parcel Number(s)  
244-01-020

## STAFF REPORT

### PROJECT DESCRIPTION

Completed by: Caleb Gretton

Location: East side of Lundy Place approximately 600 feet northeasterly of Trade Zone Boulevard

Gross Acreage: 4.22

Net Acreage: 4.22

Net Density: n/a

Existing Zoning: LI Light Industrial

Existing Use: Vacant Building

Proposed Zoning: No change

Proposed Use: Conversion of use from a former sheet metal processing facility to a vocational/trade school for sheet metal workers.

### GENERAL PLAN

Completed by: CG

Land Use/Transportation Diagram Designation  
Industrial Park

Project Conformance:  
☒ Yes ☐ No  
☐ See Analysis and Recommendations

### SURROUNDING LAND USES AND ZONING

Completed by: CG

North: Industrial

City of Milpitas

East: Industrial

IP Industrial Park

South: Industrial

IP Industrial Park

West: Industrial

City of Milpitas

### ENVIRONMENTAL STATUS

Completed by: CG

☐ Environmental Impact Report  
☐ Negative Declaration circulated on  
☐ Negative Declaration adopted on

☒ Exempt  
☐ Environmental Review Incomplete

### FILE HISTORY

Completed by: CG

Annexation Title: Orchard. No. 16

Date: December 01, 1967

### PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

☐ Approval  
☒ Approval with Conditions  
☐ Denial  
☐ Uphold Director's Decision

Date: \_\_\_\_\_

Approved by: \_\_\_\_\_  
☒ Action  
☐ Recommendation

### CONTACT

CAS Architects  
Attn: Creighton Pockalny  
1023 Shoreline Blvd  
Mountain View, CA 94043

### APPLICANT

Sheet Metal Workers Local 104  
Michael Longeuay  
1700 Marina Boulevard  
San Leandro, CA 94577

### OWNER

Viasystems Group, Inc  
Attn: Gary Gagstetter  
101 S. Hanley Rd. Suite 400  
St Louis, MO 63105

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PUBLIC AGENCY COMMENTS RECEIVED

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Completed by: CG

Department of Public Works

See Attached

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Other Departments and Agencies

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None.

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GENERAL CORRESPONDENCE

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None.

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ANALYSIS AND RECOMMENDATIONS

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**BACKGROUND**

The applicant, Sheet Metal Worker's Local 104, is requesting a Conditional Use Permit to allow a vocational/trade school for sheet metal workers to be established in an existing vacant building formerly used as a sheet metal processing facility. A Conditional Use Permit is required for vocation/trade schools located within the LI Light Industrial Zoning District.

The subject site is a flat 4.22-acre parcel that is currently developed with a 50,350 square foot industrial building and a 10,320 square foot office building. There are 165 parking spaces provided on site. Established landscaping exists along the site perimeter, within the parking area landscaping and around the base of the existing buildings.

The Sheet Metal Worker's Local 104 is a non-profit trust that is sponsored by the local union, the Contractors Association and the Joint Apprentice and Journeyman Training Committee. The organization intends to remodel the existing buildings located on the subject property to house office staff, classrooms, computer labs, a welding lab and shop space for training apprentices and journeypersons. The Building is intended to handle the training for local members in Santa Clara County.

**ENVIRONMENTAL REVIEW**

The Director of Planning has determined that this project is exempt from further environmental review under the provisions of the California Environmental Quality Act (CEQA). CEQA provides an exemption (Section 15301) for projects that consist of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures.

A Traffic Impact Analysis for the proposed project was completed by the Department of Public Works. The project engineer has determined that the proposed project would generate 13 additional peak hour trips. The proposed project is in conformance with the City of San Jose Transportation Level of Service Policy and there are no impacts with respect to traffic. The applicant is required to pay a fee of \$362.00 per PM peak hour trip added in accordance with the North San Jose Deficiency Plan.

## **GENERAL PLAN CONFORMANCE**

The primary issue is the appropriateness of the proposed use on the subject site given that the use is allowed in the Light Industrial Zoning District, but the Light Industrial Zoning District does not conform to the Industrial Park General Plan Land Use / Transportation Diagram.

Staff has determined that the proposed use is consistent with the City of San José 2020 General Plan Land Use/Transportation Diagram designation of Industrial Park. The City of San Jose 2020 General Plan indicates that the Industrial Park designation is an exclusive industrial designation intended for a wide variety of industrial users. The proposed vocational/trade school can be considered an appropriate industrial use in the Industrial Park Land Use Designation as long as any functional or operational characteristics of a hazardous or nuisance nature can be mitigated through design controls. This is further discussed in the analysis below.

## **ANALYSIS**

The subject site is currently fully improved with mature landscaping around the perimeter of the site, within the parking areas, and around the base of the two existing building. The establishment of the proposed use will not require any new construction. In order to further mitigate any possible nuisance or hazardous characteristics of the proposed operation, the project proposes all operations to be conducted within the existing buildings and in compliance with all City or State regulations. The majority of the use on the subject site would be educational classroom or office type use and not actual manufacturing. As proposed, the permit contains a condition that prohibits more than 30% of the total building square footage to be utilized for sheet metal processing and limits the remaining 70% of the building area to be used as offices and classrooms. This condition is intended to insure that the use maintains its conformance with the Industrial Park General Plan designation.

Staff has determined that the proposed use is a supportive use for the North San José industrial area, which is dominated by Industrial Park uses, but also contains supporting Light and Heavy Industrial uses. The vocational school would train sheet metal and air conditioning apprentices who could be employed potentially either directly by an Industrial Park use, or by a supporting Light Industrial or Heavy Industrial use in the vicinity.

Per the General Plan, one intent of the Industrial Park designation is to limit industrial uses to those that are more compatible with or more similar to non-industrial uses in terms of potential visual, noise, safety and other impacts. There are some uses that are allowed in the Light Industrial zoning district, such as corporation yards and medium manufacturing, which would not typically be considered compatible with the Industrial Park designation. Sheet metal fabrication is considered medium or heavy manufacturing in the City of San Jose Zoning Code and the use by it self would not be considered compatible with the Industrial Park designation. The proposed use, however, can be considered compatible with and similar to the allowed uses in the Industrial Park designation in that it would be similar in nature to office and research and development type uses because the majority of the proposed use (70%) is classroom and office uses. Additionally, the site is surrounded by other industrial uses with similar characteristics and is not near any sensitive receptors.

Therefore it is determined that the proposed use of a vocation school for sheet metal workers is an appropriate use and is in conformance with the Light Industrial Zoning District and the Industrial Park General Plan Land Use designation.

## **PUBLIC OUTREACH**

Notices of the public hearing were distributed to the owners and tenants of all properties located within 500 feet of the project site. Staff has been available to answer questions on the project from the public.

## **RECOMMENDATION**

The Planning staff recommends that the Planning Commission approve the requested Conditional Use Permit and include the following findings and conditions in its Resolution:

Planning Commission finds that the following are the relevant facts regarding this proposed project:

1. This site has a designation of Industrial Park on the adopted San José 2020 General Plan Land Use/Transportation Diagram.
2. The project site is located in the LI Light Industrial Zoning District.
3. Under the provisions of Section 15301 of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA), this project is exempt from environmental review.
4. The project site is located off of Lundy Place and is generally surrounded by Industrial uses.
5. A vocational/trade school is a Conditional Use within the LI Light Industrial Zoning District.
6. The project proposes to convert the allowed use on the site from former sheet metal processing facility that is now vacant to a vocational/trade school for sheet metal workers. No changes to the site or façade of the buildings are proposed at this time.
7. The project site is 4.22 gross acres in size.
8. One 50,350 square foot industrial building and one 10,320 square foot office building currently occupy the site. No expansion of the building area is proposed.

This Planning Commission concludes and finds, based upon an analysis of the above facts that:

1. The proposed project is consistent with the adopted San José 2020 General Plan Land Use/Transportation Diagram of the City of San José.
2. The proposed project complies with all applicable provisions of the Zoning Ordinance.
3. The proposed project is in compliance with the California Environmental Quality Act.

4. The project will be required to contribute toward a Congestion Management Program to fulfill the requirements of CMA North San Jose Deficiency Plan Measures:
  - a. The purpose for deficiency measures is to promote the goals and policies of the General Plan of creating a positive community image by developing programs to reduce trips generated by San Jose employers and thereby improving air quality.
  - b. The fee will be used to fund facilities and/or programs that include bike lockers at transit facilities, bike lanes, transit signal preempts, public education programs and traffic flow improvements.
  - c. There is a reasonable relationship between use of the fee and the type of development project upon which the fee is imposed in that the subject program will be generate a substantial amount of vehicle trips.
  - d. There is a reasonable relationship between the need for such transportation improvements, facilities and programs and the type of development project upon which the fee is imposed in that the subject project is located in a major industrial area which is a major employment area of San Jose and a major destination for business trips.

Finally, based upon the above-stated findings and subject to the conditions set forth below, the Planning Commission finds that:

1. The proposed use at the location requested will not
  - a. Adversely affect the peace, health, safety, morals or welfare of persons residing or working in the surrounding area; or
  - b. Impair the utility or value of property of other persons located in the vicinity of the site; or
  - c. Be detrimental to public health, safety or general welfare; and
2. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this title, or as is otherwise required in order to integrate said use with the uses in the surrounding areas; and
3. The proposed site is adequately served:
  - a. By highways or streets of sufficient width and improved as necessary to carry the kind and quality of traffic such use would generate; and
  - b. By other public or private service facilities as are required.

In accordance with the findings set forth above, a Conditional Use Permit to use the subject property for said purpose specified above and subject to each and all of the conditions hereinafter set forth is hereby granted. This Planning Commission expressly declares that it would not have granted this permit except upon and subject to each and all of said conditions, each and all of which conditions shall run with the land and be binding upon the owner and all subsequent owners of the subject property, and all persons who use the subject property for the use conditionally permitted hereby.

### CONDITIONS PRECEDENT

This Conditional Use Permit shall have no force or effect and the subject property shall not be used for the hereby permitted uses unless and until all things required by the below-enumerated precedent conditions shall have been performed or caused to be performed and this Resolution has been recorded with the County Recorder.

1. **Acceptance and Payment of Recording Fees.** The "Acceptance of Permit and Conditions" form shall be **signed, notarized, and returned** to the Department of City Planning within **60 days** from the date of issuance of the resolution granting the permit. *Failure to do so will result in this permit automatically expiring regardless of any other expiration date contained in this permit.* Fees for recording a Certificate of Permit with the Recorder for the County of Santa Clara must be submitted along with the Acceptance Form.

### CONCURRENT CONDITIONS

The subject property shall be maintained and utilized in compliance with the below-enumerated conditions throughout the life of the permit:

1. **Conformance with Plans.** Construction and development shall conform to approved development plans entitled, "The Sheet Metal Workers Local 104 and Bay Area Industry training Fund," dated October 29, 2002, on file with the Department of City Planning and Building and to the San José Building Code (San José Municipal Code, Title 24).
2. **Nuisance.** This use shall be operated in a manner which does not create a public or private nuisance. Any such nuisance must be abated immediately upon notice by the City.
3. **Lighting.** On-site lighting shall use Low-Pressure Sodium fixtures and be designed, controlled and maintained so that no light source is visible from outside of the property. No new lighting has been approved for this site as part of this Conditional Use Permit.
4. **Outside Storage.** No outside storage is permitted for the project except in areas designated on the approved plan set.
5. **Sheet Metal Lab Maximum Area:** No more than 30% of the total building area may be used for sheet metal processing or similar industrial type activities.

6. **Fire Flow.** Required fire flow for the site is 4,500 G.P.M., or as approved in writing by the Fire Chief.
7. **Hazardous Materials.** Any hazardous materials regulated by Chapter 17.68 of the San José Municipal Code on the site must be used and stored within approved buildings and/or within areas specified on the approved plan set, if any, in full compliance with the City's Hazardous Material Ordinance and the Hazardous Materials Management Plan for the site approved by the San José Fire Prevention Bureau.
8. **Public Works Clearance.** A Development Clearance shall be obtained from the Public Works Department, Room 308, (408) 277-5161, and is subject to the following requirements (3-01156) to the satisfaction of the Director of Public Works:
  - 1) *Sewage Fees:* In accordance with City Ordinance all storm sewer area fees, sanitary sewer connection fees, and sewage treatment plant connection fees, less previous credits, are due and payable.
  - 2) *Flood: Zone A0 (Depth 1 foot):* The project must comply with the Substantial Improvements policy for improvements to existing structures in a Special Flood Hazard Area. If the cost of the proposed improvements exceed 50% of the current market value of the existing structures, then the entire structure must fully comply with City's Floodplain Management requirements (i.e. elevation above base flood). Contact Maria Angeles, Floodplain Manager at 277-5161 for more information.
  - 3) *Transportation:*
    - a) This project is located within the North San Jose Deficiency Plan Area and must participate in the payment of the North San Jose Deficiency Plan Fee (\$362.00 per PM peak hour trip added)
    - b) An in-house traffic distribution has been performed for this project based on 13 peak hour trips. Public Works staff concludes that the subject project is in conformance with the City of San Jose Transportation Level of Service Policy (Council Policy 5-3).
9. **Anti-Graffiti.** The applicant shall remove all graffiti from structures and fence surfaces within 48 hours of defacement.
10. **Tree Removals.** No tree larger than 56 inches in circumference, at a height of 24 inches above the natural grade slope, shall be removed without a Tree Removal Permit issued by the Director of Planning
11. **Refuse.** All trash areas shall be effectively screened from view and covered and maintained in an orderly state to prevent water from entering into the garbage container. No outdoor storage is allowed/permitted unless designated on the approved plan set. Trash areas shall be maintained in a manner to discourage illegal dumping.

**CONDITIONS SUBSEQUENT**

1. **Permit Expiration.** This Conditional Use Permit shall automatically expire two years from and after the date of adoption of the Resolution by the Planning Commission, or by the City Council on appeal, granting this Permit, if within such two-year period, the proposed use of this site or the construction of buildings has not commenced, pursuant to and in accordance with the provisions of this Conditional Use Permit. The date of adoption is the date the Resolution granting this Conditional Use Permit is approved by the Planning Commission. However, the Director of Planning may approve a Permit Adjustment to extend the validity of this Permit for a period of up to two years. The Permit Adjustment must be approved prior to the expiration of this Permit.
2. **Revocation, Suspension, Modification.** This Conditional Use Permit may be revoked, suspended or modified by the Planning Commission, or by the City Council on appeal, at any time regardless of who is the owner of the subject property or who has the right to possession thereof or who is using the same at such time, whenever, after a noticed hearing in accordance with Part 3, Chapter 20.44, Title 20 of the San José Municipal Code it finds:
  - a. A violation of any conditions of the Conditional Use Permit was not abated, corrected or rectified within the time specified on the notice of violation; or
  - b. A violation of any City ordinance or State law was not abated, corrected or rectified within the time specified on the notice of violation; or
  - c. The use as presently conducted creates a nuisance.

Attachments: City of San Jose Fire Department comments letter  
City of San Jose Public Works Department comments letter